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5 Counsel for Defendant IVEY

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8 IN THE UNITED STATES DISTRICT COURT
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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)
12) No. CR 07-00092 DLJ
13 Plaintiff,)
14 v.) STIPULATION AND
15) ORDER CONTINUING SENTENCING
16 EMSEE IVEY,)
17 Defendant.)

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19 IT IS HEREBY STIPULATED, by and between the parties to this action, that the sentencing
20 date in this case, currently set for Friday, October 12, 2007, at 10:00 a.m. before Honorable Judge D.
21 Lowell Jensen may be continued to Friday, November 2, at 10:00 a.m. for sentencing. Mr. Ivey is
22 requesting the continuance because there are outstanding records which have been reviewed and
23 ordered, but not yet received, which support the fact that if Mr. Ivey is sentenced to time in custody,
24 he will lose custody of his child who will be put into the foster care system. These records should be
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received within the next two weeks which will allow defense counsel time to file a sentencing memorandum and submit these records to the Court. Counsel has spoke to both the Assistant United States Attorney and the United States Probation officer assigned to this case and neither objects to the requested continuance. In addition, both the prosecutor and the probation officer are available if the Court continues this matter to November 2, 2007.

/S/

DATED: 10/5/07

JOYCE LEAVITT
Assistant Federal Public Defender

/S/

DATED: 10/5/07

SHASHI KEWALRAMANI
Assistant United States Attorney

SIGNATURE ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this e-filed document.

ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the sentencing in this case, currently scheduled for Friday, October 12, 2007, at 10:00 a.m. shall be continued to Friday, November 2, 2007 at 10:00 a.m. in Oakland, California, for sentencing.

SO ORDERED.

DATED: October 12, 2007



HONORABLE D. LOWELL JENSEN
United States District Judge